

LOCAL PLANNING AGENCY
JULY 9, 2008

1. ROLL CALL

The meeting was called to order at 7:09 p.m. Board members present were Chair Scott McLaughlin, Philip Busey, John Capozzoli and Mimi Turin. Also present were Attorney Thomas Moss, Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson, and Board Secretary Janet Gale recording the meeting. Vice-Chair John Stevens was absent.

2. APPROVAL OF MINUTES: May 28, 2008
June 11, 2008

Ms. Turin made a motion, seconded by Mr. Capozzoli, to approve the minutes of May 28, 2008.

Mr. Busey chose to abstain from voting on the minutes as he had not been present for that meeting.

In a voice vote, with Vice-Chair Stevens being absent and Mr. Busey having abstained, all voted in favor. **(Motion carried 3-0)**

Ms. Turin made a motion, seconded by Mr. Busey, to approve the minutes of June 11, 2008. In a voice vote, with Vice-Chair Stevens being absent, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARING

Text Amendment

3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE VIII. SIGNS, LIGHTING, DIVISION 1. SIGNS, SECTION 12-238 (C) BUILDING PERMITS REQUIRED; EXCEPTIONS; PROVIDING FOR BANNERS AND SIMILAR TEMPORARY SIGNS ON TOWN PROPERTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB (TXT) 6-1-08)

Mr. Quigley explained the circumstances which led to the development of the text amendment. He summarized the aspects to better clarify the intent.

Chair McLaughlin asked if anyone wished to speak for or against this item.

Karen Stenzel-Nowicki asked if the amendment would pertain to banners which were strung across the C11-Canal for special events such as rodeo events held by the Town.

Mr. Quigley responded that the amendment should include the word "owned" in the title to read "...SIGNS ON TOWN OWNED PROPERTY." It was not determined at this meeting if the type of signs Ms. Stenzel-Nowicki referenced would require a permit from Broward County or the Central Broward Water Control District. Mr. Quigley specified that the signage would have to be on Town owned property and not in public rights-of way.

As there were no other speakers, the public hearing was closed.

Mr. Busey's concern was that "these banners would be used in some cases for events that were part of a private franchise that was doing business with the Town to provide for the management of some event" and asked if that was correct. Mr. Quigley responded that he was not sure; however, the intent was to allow banners that would attract people to events taking place on Town property or a park. He provided examples such as the rodeo, baseball sign-up, cheerleading practice, signage of that nature.

Mr. Busey asked if it included signage placed on a stake in the ground as well as banners. Mr. Quigley responded that it could be and was meant to encompass all similar temporary signs. Mr. Busey believed that government needed to follow the rules. If there was a problem with government not being able to follow the rules, he did not think that the thing to do was to make another rule that the government did not need to follow but should follow the same rules as everyone else. Mr. Busey believed that the solution already at hand was for the Town to write a special permit. Although it may appear to be cumbersome, at least the Town would not be making rules just for itself.

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Mr. Quigley explained why he believed this was different from commercial signs in commercial areas where signage was competing against each other for attention and thereby cluttering the area. He doubted that public signs on Town owned areas would be overwhelming.

Mr. Busey's concern was that if this text amendment was to be approved, it would give a commercial franchise that may be providing services such as swimming or intramural sports any control in the sense of being able to provide their advertising on what was essentially a public sign. Mr. Quigley responded that the problem could be dealt with because whoever was in control of the Town property would be able to put reasonable limits on the signage.

Mr. Busey discussed the possible "loophole" which this amendment would allow for free advertising on Town owned property by an independent contractor. Although it was possible that someone could abuse that provision, Mr. Quigley maintained that the park manager, Town Administrator and/or Council could have the signs removed. Mr. Busey believed that it would be unreasonable not to let the Town have a sign on its own property for a public event and he was willing to give the text amendment a "shot;" however, he wished he "knew the consequences better."

Ms. Turin asked Mr. Quigley to list "the exception to the exemption" of signs which were not prohibited pursuant to Section 12-238(J). Mr. Quigley described the type of signs.

Chair McLaughlin asked for clarification regarding the status of banners which traditionally would be draped along the fence at baseball games and which depicted team sponsors. Mr. Quigley responded that other than the administrative control, those temporary banners would not be prohibited. Chair McLaughlin was concerned that the temporary signage was not a problem until it became unsightly or in disrepair. Mr. Quigley contended that it was the same issue even with a permit and those with the responsibility of regulating the signage were answerable to the public.

Mr. Busey thought that it would work if the Town Administrator or department director established the details that were fair and reasonable until the next complaint. Mr. Busey asked if the procedure for the carnival at Saint David fell into this exemption. Mr. Abramson advised that with the annual events, as long as the banner or sign was attached to a free-standing fixed structure, a temporary use permit was usually approved.

Chair McLaughlin passed the gavel and made a motion, seconded by Ms. Turin, to approve subject to the change "Town owned" being added to the title. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Steven – absent; Mr. Busey – yes; Mr. Capozzoli – yes; Ms. Turin – yes.
(Motion carried 4-0)

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

5.1 Discussion – Debra Ator on Recreational Vehicle

Mr. Abramson advised that Ms. Ator had considered several options and decided that the most expeditious solution regarding her situation was that she apply for a special use permit. He indicated that the item should be coming before the Agency within the next few months.

6. COMMENTS AND/OR SUGGESTIONS

Mr. Busey recommended that there be a consistent specific order to the meeting such as: 1) that the open public hearing portion of the meeting should follow the presentation made by the applicant; and 2) that questions of staff should be made before the public participates because it added an opportunity for the public to see what the questions would be. Chair McLaughlin indicated that he had no problem with the recommendation.

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Chair McLaughlin updated the Agency about Council's action regarding a text amendment in which the Agency had unanimously recommended denial. He had attended the Council meeting and spoke out against the item. Chair McLaughlin advised that "Council did not like the item either."

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 7:41 p.m.

Date Approved: _____

Chair/Agency Member